

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **Subcategory Case No. 06-11337**
) **Hon. Patti B. Saris**

THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Dey, Inc., et al.,*
Civil Action No. 05-11084-PBS

)
) **Magistrate Judge**
) **Marianne B. Bowler**
)
)
)
)

**DECLARATION OF SARAH L. REID IN SUPPORT OF
DEY'S OPPOSITION TO PLAINTIFFS' MOTION *IN LIMINE*
TO PRECLUDE EVIDENCE OF GOVERNMENT KNOWLEDGE**

SARAH L. REID declares, pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm of Kelley Drye & Warren LLP, counsel to Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively "Dey"). I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.

2. I make this Declaration in support of Dey's Opposition to Plaintiffs' Motion *in Limine* to Preclude Evidence of Government Knowledge.

3. The basis for my knowledge is my review of the files maintained by Kelley Drye & Warren LLP as part of its representation of Dey, including the documents attached hereto, and my own personal knowledge of the facts and circumstances set forth herein.

4. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition of Robert Berenson, taken on December 18, 2007.

5. Attached hereto as Exhibit 2 is a true and correct copy of an advertisement of Dey's albuterol, marked DEY-BO-0256203.

6. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition of Raymond Hartman, taken on July 23, 2009.

7. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Robert Niemann, taken on September 14, 2007.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Robert Niemann, taken on November 19, 2009.

9. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition of Robert Vito, taken on June 19, 2007.

10. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition of Thomas Gustafson, taken on December 17, 2007.

11. Attached hereto as Exhibit 8 is a true and correct copy of a letter from members of Congress to Donna Shalala, dated September 27, 2000, marked AWP039-2762-64.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 14, 2010.

/s/ Sarah L. Reid
Sarah L. Reid

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on July 14, 2010 , a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Sarah L. Reid

Sarah L. Reid